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Tracey R. Thomas

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EXAMINER

MONFELDT, SARAH M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,701	Applicant(s) THOMAS, TRACEY R.	
	Examiner SARAH M. MONFELDT	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1933.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>24 May 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION
Status of Claims

1. This action is in reply to the Amendment/Response filed on 27 October 2008.
2. Claims 1, 4, 6, 9, 13, 26 were amended.
3. Claims 1-33 are currently pending and have been examined.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 24 May 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Specification

5. The specification remains objected to for the incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). (i.e. U.S. Ser. No. 09/415,632; U.S. Ser. No. 10/210,827; U.S. Ser. No. 09/712,743; U.S. Ser. No. 10/010,947; U.S. Ser. No. 09/834,478; etc.)

Claim Rejections - 35 USC § 112

6. The rejection of claims 1, 4, 6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as set forth in the Office Action mailed 25 April 2008 has been withdrawn in view of Applicants amendments and comments.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-9, 11-12, 14-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (02/097561) in view of Biltis (WO 01/39077) and Maggioncalda et al. (WO 99/30261).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1 –

As per claim 1, Smith et al. disclose *a savings and bill payment system* having the limitations of:

- *a host configured to facilitate management of user income and a user debt; (see at least pg. 2, ll. 8-19)*
- *a user account configured to store user income information including said user income; (see at least pg. 4, l. 6 through pg. 5, l. 17; see at least pg. 6, ll. 1-2, 18-23)*
- *a user savings account configured to store user savings; (see at least pg. 6 l. 1-4; Fig. 2)*
- *a debt analyzer configured to at least one of:*
 - *(1) analyze debt information, (see at least pg. 8, ll. 26-36)*

Smith et al. do not explicitly disclose:

- *a debt analyzer configured to at least one of:*
 - *(2) provide a recommendation including a suggestion for minimizing an amount of payment for said user debt and maximizing an amount of a payment to said user savings account, and*
 - *(3) provide a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a first portion of said user income allocated to said user savings account and a second portion of said user income allocated to said user debt.*

Biltis teach *a debt analyzer* (see at least pg. 10, ll. 21-26). Maggioncalda et al. teach *provide a recommendation including a suggestion for minimizing an amount of payment for said user debt and*

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maximizing an amount of a payment to said user savings account, and provide a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a first portion of said user income allocated to said user savings account and a second portion of said user income allocated to said user debt (see at least pg. 9, l. 33 through pg. 12, l. 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Smith et al. to include the budgeting service as taught by Biltis and the financial advisory system as taught by Maggioncalda et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Smith et al. in this way since upon subscribing to the budgeting service the user may set up a budget in various categories such as investments, recurring and installment purchases, one time deduction purchases, charitable contributions, bill payment, credit cards, and debit cards and the budgeting service provider may include a deduction service that performs the income deduction, budgeting, and money distribution services according to the specified budget (see at least pg. 10, ll. 14-17; 23-24 of Biltis).

Smith et al. do not explicitly disclose:

- *a user interface configured to received user financial information including at least one of:*
 - *said user income information,*
 - *user income source information,*
 - *user debt information, and*
 - *user goal information; and*

Maggioncalda et al. teach *a user interface configured to received user financial information including at least one of said user income information, user income source information, user debt information and user goal information* (see at least Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Smith et al. to include a user interface as taught by Maggioncalda et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Smith et al. in this way since the user interface attempts to help the user pick the right financial products to meet his/her needs in a world where the number of financial products and decisions related thereto may be overwhelming (see at least pg. 9, ll. 34-37 of Maggioncalda et al.).

Claim 2 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system having the limitations of:*

- *further including an automatic bill payment system configured to receive at least a portion of said user income and payment hierarchy information for facilitating payment of payees (see at least pg. 5, ll. 20-35; pg. 6, ll. 1-17; pg. 8, ll. 1-5 of Smith et al.)*

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Claim 3 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *wherein said user interface is further configured to provide at least one of webpage inputs and a menu driven interactive procedure. (see at least Figs. 4-9 of Smith et al.)*

Claim 4 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose, at least at pg. 8, l. 26 through pg. 9, l. 10; pg. 9, ll. 29-31, *a system* having the limitations of:

- *further including a transaction database that is configured to provide transaction information, wherein said user income is transferred to said user savings account based upon user purchase data, wherein said purchase data includes at least one of*
 - *a dollar amount,*
 - *a percentage of purchase amount, and*
 - *a number of transactions.*

Claim 5 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *further including a probability modeling system. (see at least pg. 6, ll. 24-31 of Maggioncalda et al.)*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 6 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *further including a probability modeling system, wherein said probability modeling system includes: (see at least pg. 6, l. 24-31 of Maggioncalda et al.)*
 - *a portfolio integration module for facilitating integration of at least one of (see at least pg. 9, l. 33 through pg. 12, l. 5 of Maggioncalda et al.)*
 - *a user's goals,*
 - *assets,*

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- *savings, and*
- *risk tolerance to facilitate analyzing and developing a customized strategy for financial portfolio planning of a user;*
- *a portfolio reconciler module in communication with the portfolio integration module for facilitating comparison of the customized strategy to at least one of (see at least pg. 9, l. 33 through pg. 12, l. 5 of Maggioncalda et al.)*
 - *other strategies and*
 - *projected user financial decisions in order to further facilitate the financial portfolio planning of the user; and*
- *a stochastic modeling module in communication with at least one of (see at least pg. 6, ll. 2-8; pg. 9, l. 33 through pg. 12, l. 5 of Maggioncalda et al.)*
 - *the portfolio integration module and*
 - *the portfolio reconciler module for facilitating use of data from at least one of*
 - *the portfolio integration module and*
 - *portfolio reconciler module in a stochastic modeling analysis to facilitate creation of a proposed situation portfolio for the user.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 7 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose a system having the limitations of:

- *wherein said debt analyzer is further configured to at least one of (see at least pg. 8, ll. 26-36 of Smith et al.)*
 - *analyze a balance of funds in said user account,*
 - *allow a transfer of funds upon confirmation of sufficient funds, and*
 - *disallow a transfer of funds upon confirmation of insufficient funds.*

Claim 8 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose a system having the limitations of:

- *wherein said debt analyzer is further configured to analyze a balance of funds in said user account and, upon confirmation of insufficient funds at least one of (see at least pg. 8, ll. 26-36; pg. 9, ll. 29-31 of Smith et al.)*

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- *request user to modify said payment hierarchy,*
- *suggest modifications to said payment hierarchy and*
- *automatically modify said payment hierarchy.*

Claim 9 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *further including a device configured to notify at least one of (see at least Figs. 4-9 of Smith et al.)*
 - *said user,*
 - *a payee and*
 - *a third party regarding at least one of acquiring user income and transferring user income.*

Claim 11 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *further including a report generator configured for providing statements to said user, wherein said statements include at least one of (see at least pg. 9, l. 34 through pg. 10, l. 6 of Smith et al.)*
 - *user savings account balance,*
 - *user savings account deposits and*
 - *user debt payments.*

Claim 12 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *further including a tracking device configured to track at least one of (see at least pg. 2, ll. 24-35 of Biltis)*
 - *said user income,*
 - *user goal information and*
 - *transfers of user income.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

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Claim 14 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to provide recommendations related to at least one of (see at least pg. 10, ll. 20-26 of Biltis)*
 - *prioritizing payment of bills,*
 - *partial payment of bills,*
 - *determining when to pay at least one bill and*
 - *determining an amount to pay for at least one bill.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 15 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to provide recommendations based upon at least one of (see at least pg. 8, ll. 26-36; pg. 9, ll. 29-31 of Smith et al.)*
 - *bill priority information,*
 - *user goal information,*
 - *user debt information,*
 - *minimum amounts due,*
 - *penalties,*
 - *interest rates,*
 - *due dates,*
 - *available user income,*
 - *user override selection and*
 - *user historic selections.*

Claim 16 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to transfer at least a portion of said user income to user savings account at least one of (pg. 10, ll. 22-26 of Biltis)*
 - *prior to,*

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- *during and*
- *after transferring user income to certain user debts.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 17 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to transfer at least a portion of said user income to user savings account based upon user purchase data. (pg. 10, ll. 22-26; pg. 3, ll. 23-26 of Biltis)*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 18 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to transfer at least a portion of said user income to at least one charity. (see at least pg. 3, ll. 23-24 of Biltis)*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 19 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *wherein said debt analyzer is further configured to transfer at least a portion of said user income by at least one of (see at least pg. 8, ll. 28-36; pg. 9, ll. 28-31 of Smith et al.)*
 - *prompting said user to transfer user income,*
 - *prompting said user to select a particular transfer of funds,*
 - *providing at least one of cash and negotiable instrument to at least one of*
 - *said user,*
 - *guardian and*

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- *third party,*
 - *withdrawing funds from said user account and depositing funds in a third party account,*
 - *transferring said user income to a financial instrument, and*
 - *placing the selected funds in a pooled account.*

Claim 20 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose a system having the limitations of:

- *wherein said debt analyzer is further configured to transfer at least a portion of said user income to a financial instrument and sending said financial instrument to said user at predetermined intervals. (see at least pg. 2, ll. 7-36; pg. 10, ll. 13-26 of Biltis)*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 21 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose a system having the limitations of:

- *wherein said user income includes at least one of (see at least pg. 2, ll. 7-14 of Biltis)*
 - *monetary income,*
 - *non-monetary income,*
 - *asset,*
 - *benefit,*
 - *paycheck,*
 - *salary,*
 - *bonuses,*
 - *commissions,*
 - *purchase rebate,*
 - *tax rebates,*
 - *property,*
 - *goods,*
 - *social security,*
 - *welfare,*
 - *alimony,*
 - *child support,*

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- *rental income,*
- *securities-related income,*
- *gambling winnings,*
- *credits,*
- *loyalty points,*
- *reward points,*
- *coupons, and*
- *entry passes.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 22 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said user income is obtained from at least one of (see at least pg. 2, ll. 7-23 of Biltis)*
 - *said user and*
 - *a third party.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 23 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said user income source information includes at least one of (see at least pg. 2, ll. 7-23 of Biltis)*
 - *income source demographic data,*
 - *income amount,*
 - *days of month when income received,*
 - *date when receive income,*
 - *income source routing data,*
 - *amount of income during a particular timeframe,*
 - *bonus information,*
 - *tax refund information,*

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- *estimated commission information,*
- *estimate of the amounts of non-periodic income and*
- *dates when non-periodic income will be received.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 24 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose a system having the limitations of:

- *wherein said user debts include at least one of (see at least pg. 6, ll. 4-8 of Smith et al.)*
 - *monetary liability,*
 - *non-monetary liability,*
 - *bills,*
 - *car payments,*
 - *loans,*
 - *mortgages,*
 - *purchases,*
 - *voluntary payments,*
 - *alimony,*
 - *child support,*
 - *payment plans,*
 - *lines of credit,*
 - *financial losses,*
 - *gambling losses, and*
 - *responsibilities.*

Claim 25 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose a system having the limitations of:

- *wherein said user debt information includes at least one of (see at least pg. 8, ll.1-5 of Smith et al.)*
 - *bill information,*
 - *name and address of payees,*

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- *payee account routing information,*
- *amount of bills,*
- *minimum amounts due,*
- *due date, and*
- *periodic payment plan information.*

Claim 26 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *wherein said user debt may be owed by at least one of (see at least pg. 8, ll. 1-5 of Smith et al.)*
 - *a user and*
 - *a third party.*

Claim 27 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *wherein said user goal information includes at least one of (see at least pg. 13, ll. 3-28 of Maggioncalda et al.)*
 - *amounts the user desires to pay himself,*
 - *a financial amount,*
 - *a limit,*
 - *milestone,*
 - *threshold,*
 - *objective,*
 - *aspiration,*
 - *amount of money needed for a vacation,*
 - *a major purchase,*
 - *holiday gifts,*
 - *education,*
 - *retirement,*
 - *a common goal for a group.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

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Claim 28 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *wherein said user goal information includes at least one of (see at least pg. 13, I. 3-28 of Maggioncalda et al.)*
 - *a one-time total amount,*
 - *a pre-established amount for a limited time period,*
 - *a pre-established amount for a continuing time period,*
 - *a periodic amount which results in a total savings by a certain date,*
 - *increasing amount, and*
 - *decreasing amount.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 29 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *wherein said user goal information is created by at least one of (see at least pg. 13, I. 3-28 of Maggioncalda et al.)*
 - *user entry,*
 - *random generation,*
 - *a formula,*
 - *system selection and*
 - *a third party.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 30 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *wherein said user goal information is entered before at least one of (see at least pg. 13, II. 3-28 of Maggioncalda et al.)*
 - *entering user debt information and*

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- *entering income amounts.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 31 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Biltis further disclose *a system* having the limitations of:

- *wherein said user account includes at least one of (see at least pg. 2, ll. 7-36 of Biltis)*
 - *income source data,*
 - *date of income deposit,*
 - *date of income receipt,*
 - *amounts owed from particular income sources,*
 - *amounts deposited in the user savings account, and*
 - *dates of deposits in user savings account.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 32 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. further disclose *a system* having the limitations of:

- *wherein said user savings account includes at least one of (see at least pg. 6, ll. 1-4 of Smith et al.)*
 - *a financial account,*
 - *savings account,*
 - *checking account,*
 - *money market account,*
 - *loyalty account,*
 - *a security,*
 - *a financial transaction instrument,*
 - *stored value card,*
 - *charge card,*
 - *smart card,*
 - *transponder,*

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- *negotiable instrument, and*
- *coupon.*

Claim 33 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Maggioncalda et al. further disclose *a system* having the limitations of:

- *wherein said user savings account restricts (see at least pg. 13, ll. 23-28 of Maggioncalda et al.)*
 - *check-writing privileges,*
 - *withdrawals,*
 - *loans, and*
 - *purchases.*

The motivation for making this modification to the teachings of Smith et al. is the same as that set forth above, in the rejection of Claim 1.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (02/097561) in view of Biltis (WO 01/39077) and Maggioncalda et al. (WO 99/30261), as applied to claims 1-9, 11-12, 14-33 above, further in view of Gallagher et al. (US 2004/0111367).

Claim 10 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. in view of Biltis and Maggioncalda et al. do not explicitly disclose:

- *further including a device configured to notify at least one of*
 - *said user,*
 - *payee and*
 - *third party prior to transferring user income, and*
- *further configured to obtain authorization from at least one of*
 - *said user,*
 - *payee and*
 - *third party prior to transferring user income.*

Gallagher et al. teach *including a device configured to notify at least one of said user, payee and third party prior to transferring user income, and further configured to obtain authorization from at least one of said user, payee and third party prior to transferring user income* (see at least Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Smith et al. in view of Biltis and Maggioncalda et al. to include the “send money” transaction as taught by Gallagher et

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al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Smith et al. in view of Biltis and Maggioncalda et al. in this way since allows for identity confirmation features (see at least paragraph [0032] of Gallagher et al.).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (02/097561) in view of Biltis (WO 01/39077) and Maggioncalda et al. (WO 99/30261), as applied to claims 1-9, 11-12, 14-33 above, further in view of VanLeeuwen (US 2002/0123949).

Claim 13 –

Smith et al. in view of Biltis and Maggioncalda et al. teach the system of claim 1 as described above.

Smith et al. in view of Biltis and Maggioncalda et al. do not explicitly disclose:

- *further including a loyalty point system configured to provide loyalty points to at least one of*
 - *said user,*
 - *income source and*
 - *payee.*

VanLeeuwen teach *further including a loyalty point system configured to provide loyalty points to at least one of said user, income source and payee.* (see at least paragraph [0031]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Smith et al. in view of Biltis and Maggioncalda et al. to include encouragement to the user in the debt reduction program as taught by VanLeeuwen. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Smith et al. in view of Biltis and Maggioncalda et al. in this way since it may include an incentive to help the user save money (see at least paragraph [0031] of VanLeeuwen).

Response to Arguments

12. Applicant's arguments filed 27 October 2008 have been fully considered but they are not persuasive for at least the following reasons:

Applicants argue notable features of claim 1 are that the savings and bill payment system includes “a *debt analyzer configured to at least one of:*

- *(1) analyze debt information,*
- *(2) provide a recommendation including a suggestion for minimizing an amount of payment for said user debt and maximizing an amount of a payment to said user savings account, and*
- *(3) provide a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a first portion of said user*

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income allocated to said user savings account and a second portion of said user income allocated to said user debt.”

The Examiner respectfully points out that the claim as written only requires only **at least one of** (1), (2) and (3), the claim does not require all three elements. Moreover, even if the claim were written to require all three elements the Examiner has addressed each of the elements in the previous Office Action and the present Office Action. Applicants arguments are not persuasive for at least these reasons.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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